

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA J. FRIED and MARK FRIED; :
ALTITUDE PARTNERS, LLC; RICHARD :
D. MALTZMAN, AS TRUSTEE FOR THE :
RICHARD D. & CHARLENE :
MALTZMAN FAMILY TRUST U/A/D :
3/23/88; JEFFOREED PARTNERS, L.P.; :
JEFFOREED MANAGEMENT :
COMPANY, INC.; and ZELFAM, LLC, on :
behalf of limited partners listed on Annex :
A. :

Plaintiffs, :

- vs - :

LEHMAN BROTHERS REAL ESTATE :
ASSOCIATES III, L.P.; LEHMAN :
BROTHERS PRIVATE EQUITY :
ADVISORS, LLC; REAL ESTATE :
PRIVATE EQUITY, INC.; MARK A. :
WALSH; MARK H. NEWMAN; BRETT :
BOSSUNG; MICHAEL J. ODRICH; :
CHRISTOPHER M. O'MEARA; :
RICHARD S. FULD, JR.; JOSEPH M. :
GREGORY; ERIN CALLAN; IAN :
LOWITT; THOMAS RUSSO; AND DOES :
1 through 50, :

Defendants. :

No. 09 CIV 9100 (BSJ)

ECF CASE

DEFENDANT REAL ESTATE PRIVATE EQUITY, INC.'S RULE 7.1
STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Real Estate Private Equity, Inc. (a non-governmental party) certifies that it is not a publicly held entity. Its parent corporation is Lehman Brothers

Holdings Inc., a publicly held corporation, which owns more than ten percent of Real Estate Private Equity, Inc.'s stock.

Dated: New York, New York
January 8, 2010

WEIL, GOTSHAL & MANGES LLP

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